

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4810 OF 2005

 Office notes, office :
 Memoranda of Coram, :
 appearances, Court's : Court's or Judge's Orders
 orders or directions :
 & Registrar's orders. :

Mr. U. Warunjikar for petitioner

Mr. J. S. Bhate for respondent

CORAM: SMT. RANJANA DESAI, J.
 25/8/05

P.C.:-

Heard learned counsel for the
 parties.

On 17/8/05 I had called for a report from the Family Court, Pune stating as to why as directed by this court Petition PA No. 6/05 pending on its file was not disposed of within six months. Accordingly the learned Judge has sent his report. I have perused the report. In my opinion the delay is caused because the papers reached late in the Family Court and also because both sides have sought adjournments. The learned Judge has

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requested this court to extend the time till 30/8/05 for disposing of the petition. He has stated he will try his level best to finish the petition by then. The explanation given by the learned judge is proper and acceptable. In my opinion, in the facts and circumstances of the case he will have to be given little more time to dispose of the petition. The trial court should dispose it of by 15th of September, 2005. Time to dispose of the petition is nextended till 15th of September, 2005.

The learned counsel for the parties have stated that they will cooperate with the trial court and they will not ask for unnecessary adjournments.

The question is what should be the maintenance amount. Considering the fact that the main petition is directed to be disposed of by 15th of September, 2005, in my opinion, any expression of opinion by me on any aspect of the matter will not be in

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the interest of the parties. Without prejudice to the rights and contentions of both sides and keeping all their contentions open, in my opinion, so far as maintenance is concerned, the following order will meet the ends of justice.

The respondent shall continue to pay the sum of Rs.1,000/- to petitioner 1. So far as petitioner 2 is concerned, the respondent shall pay a sum of Rs.1500/- per month towards maintenance which is inclusive of Rs.500/- already quoted by the Family court. The said amount be deposited in the Family Court, Pune. The respondent shall pay the arrears of the maintenance amount @ Rs.1500/- from 8/4/05 till date. The enhanced amount deposited by the respondent for petitioner 2 shall not be withdrawn by petitioner 1. The rest can be withdrawn by her. This amount and its withdrawal will abide by the final decision of the Family Court in the pending petition.

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It is made clear that even so far as the quantum of maintenance is concerned, the rights and contentions of both sides are kept open.

Petition is disposed of in the aforestated terms.

It is clarified that so far as the increase in the maintenance amount of the son is concerned, the order is passed because the respondent voluntarily offered to pay the amount.

Parties to appear before the Family Court, Pune on Tuesday, 30/8/2005.

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